

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 1, 7, 13, 19, 21, 27 29, 31, 37, 39, 41 and 46 are amended herein. No claims are added or canceled. Thus, claims 1-5, 8-11, 13-17, 19-25, 27-35, 37-44 and 46 are pending.

CLAIM REJECTIONS – 35 U.S.C. § 103(a) – Claims 1-5, 8-11, 13-17, 19-25, 27-35, 37-44 and 46

Claims 1-5, 8-11, 13-17, 19-25, 27-35, 37-44 and 46 were rejected as being unpatentable over U.S. Patent No. 6,681,109 of Leifer (hereinafter "Leifer") in view of U.S. Patent Publication No. 2003/0171126 of Blink, et al. (hereinafter "Blink"). For at least the reasons set forth below, Applicants submit that claims 1-5, 8-11, 13-17, 19-25, 27-35, 37-44 and 46 are not rendered obvious by Leifer and Blink.

Claim 1 as amended herein recites in part:

tracking the location of the customer-provided wireless device;
generating service availability information corresponding to at least an estimated time until the requested services are available in response to receiving the customer information wherein the service availability information comprises one or more of an estimated wait time, a distance between the service establishment and the wireless device, a service status, and a location of the service establishment, where the **service availability information is updated based at least in part on the location of the customer-provided wireless device;**

Thus, Applicants claim generating service availability information based, at least in part, on tracking the location of the customer-provided wireless device. Claims 7, 13, 19, 29 and 39 recite similar limitations.

The Office Action acknowledges at pages 3-4 that Leifer does not disclose service availability information. The Office Action at page 4 cites Blink as curing this deficiency of Leifer. However, Applicants respectfully submit that the references alone or in combination fail to support a rejection of the claims.

Blink discusses "a paging system and method." See paragraphs [0009] and [0017]. The "pages" sent by the paging system in Blink "notify customers when service is available." See paragraph [0004]. Paragraph [0028] describes how the user is to be paged, and noticeably, no mention is made of determining the location of the device to be paged. Applicants submit that Blink fails to disclose or suggest at least the feature of **tracking the location** of a customer-provided wireless device. Thus, the reference fails to disclose generating service availability information based, at least in part, on **tracking the location** of the customer-provided wireless device.

"Service availability information" as recited in claims 1, 7, 13, 19, 29 and 39 includes one or more of an estimated wait time, a distance between the service establishment and the wireless device, a service status, and a location of the service establishment. Furthermore, the service availability information is **updated**, at least in part, **on the location of the customer-provided wireless device**. Therefore, updating the information cannot be performed based on the location without tracking or otherwise determining the location of the customer-provided wireless device. Whether alone or in combination, the references fail to disclose or suggest such a feature as recited in Applicants' claims.

Applicants submit that Blink is incapable of disclosing generating and updating service availability information as recited in claims 1, 7, 13, 19, 29 and 39. Leifer is not

cited as curing the deficiencies pointed out above. Nor indeed does it cure the deficiencies of Blink. Whether alone or in combination, the references fail at least to disclose or suggest **tracking** the location of a customer-provided wireless device and **generating and updating service availability information** based, at least in part, on **tracking the location** of the customer-provided wireless device. Thus, whether alone or in combination, the references fail to support an obviousness rejection of the independent claims under MPEP § 2143.

The remaining claims are dependent claims that depend from the independent claims discussed above. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that the dependent claims are not rendered obvious by Leifer and Blink for at least the reasons set forth above.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-5, 8-11, 13-17, 19-25, 27-35, 37-44 and 46 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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